

DAN SIEGEL, SBN 056400
EMILY ROSE JOHNS, SBN 294319
SIEGEL, YEE, BRUNNER & MEHTA
475 14th Street, Suite 500
Oakland, California 94612
Telephone: (510) 839-1200
Facsimile: (510) 444-6698
Emails: danmsiegel@gmail.com;
emilyrose@siegelyee.com

Attorneys for Claimants
SARU JAYARAMAN, STEPHEN YOUNG,
MARTIN BOYDEN, ZACH NORRIS,
DEIRDRE SNYDER, MIKE LOUDEN,
AMY HARUYAMA, and ERIC
PETTENGILL

LOUIS A. LEONE, ESQ. (SBN: 099874)
CLAUDIA LEED, ESQ. (SBN: 122676)
SETH L. GORDON, ESQ. (SBN: 262653)
LEONE & ALBERTS
A Professional Corporation
1390 Willow Pass Road, Suite 700
Concord, CA 94520
Telephone: (925) 974-8600
Facsimile: (925) 974-8601
Emails: lleone@leonealberts.com
cleed@leonealberts.com
sgordon@leonealberts.com

ATTORNEYS FOR DEFENDANTS
OAKLAND UNIFIED SCHOOL DISTRICT,
JEFF GODOWN, DONALD PERRIER

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTHERN CALIFORNIA**

SARU JAYARAMAN, STEPHEN YOUNG,
MARTIN BOYDEN, ZACH NORRIS,
DEIRDRE SNYDER, MIKE LOUDEN,
AMY HARUYAMA, and ERIC
PETTENGILL,

Claimants,

VS.

OAKLAND UNIFIED SCHOOL DISTRICT;)
JEFF GODOWN, POLICE CHIEF;)
DONALD PERRIER, POLICE SERGEANT,)
and DOES 1 through 20.)

Respondents.

) Case No. 3:20-cv-00685-VC
)
)
) JOINT CASE MANAGEMENT
)
CONFERENCE STATEMENT
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)
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) Date: April 29, 2020
)
Time: 10 a.m.
)
Location: Courtroom 4, 17th Floor,
)
450 Golden Gate Avenue, San Francisco
)
)
)
)
) Hon. Vince Chhabria
)
)
)
)

Plaintiffs SARU JAYARAMAN, STEPHEN YOUNG, MARTIN BOYDEN, ZACH NORRIS, DEIRDRE SNYDER, MIKE LOUDEN, AMY HARUYAMA, and ERIC PETTENGILL and Defendants OAKLAND UNIFIED SCHOOL DISTRICT; JEFF GODOWN, POLICE CHIEF; DONALD PERRIER, POLICE SERGEANT, and DOES 1

1 through 20 jointly submit this Case Management Statement pursuant to Civil L.R. 16-
 2 9(a) and Fed. R. Civ. P. 26(f).

3 **1. JURISDICTION AND SERVICE:**

4 Pursuant to 28 U.S.C. § 1331, this Court has jurisdiction for Claims for Relief
 5 brought under 42 U.S.C. § 1983. The Court has supplemental jurisdiction over the
 6 remaining state-law claims pursuant to 28 U.S.C. § 1337. All Defendants in this matter
 7 have been served.

8 **2. FACTS:**

9 **A. Plaintiffs' Statement of Facts:**

10 Plaintiffs Saru Jayaraman, Stephen Young, Martin Boyden, Zach Norris, Deirdre
 11 Snyder, Mike Louden, Amy Haruyama, and Eric Pettengill attended an Oakland Unified
 12 School District Board of Education meeting on October 23, 2019. Oakland Unified
 13 School District arranged for officers from the Oakland School Police Department
 14 (“OSPD”) to be present in force, including its Police Chief Jeff Godown and Sergeant
 15 Donald Perrier. At the meeting, several attendees participated in peaceful civil
 16 disobedience to express their disapproval of the School Board’s intent to close Oakland
 17 public schools. Officers from the OSPD including Chief Godown and Sergeant Perrier
 18 responded to the peaceful demonstration by using unnecessary force, including by
 19 tackling peaceful demonstrators to affect an arrest and by indiscriminately striking
 20 members of the crowd with their batons. OSPD officers arrested Saru Jayaraman,
 21 Stephen Young, Martin Boyden, Zach Norris, Deirdre Snyder, and Mike Louden
 22 without probable cause to do so. Plaintiffs were injured by the officers’ conduct,
 23 including Ms. Jayaraman, who suffered a torn anterior cruciate ligament in her knee
 24 when officers tackled her and arrested her. The Alameda County District Attorney
 25 declined to press charges against any plaintiff. The following public meeting, on
 26 November 13, 2019, the Board of Education cut the microphone on the podium so that
 27 the parents and educators could not be heard and denied them participation in the
 28 meeting.

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1 **B. Defendants' Statement of Facts:**

2 • **Events leading up to the October 23, 2019 School Board
3 Meeting:**

4 Due to budgetary constraints, the need to improve school quality across the
5 District, and in an effort to manage issues stemming from under enrolled schools, the
6 Oakland Unified School District developed a plan, known as the "Blueprint for Quality
7 Schools" that included, among other things, recommendations to reduce the number of
8 school sites in the District and improve the quality of the remaining schools. The Board
9 previously approved the first phase of the Blueprint (known as Cohort 1), which
10 included expanding, merging, and closing schools.

11 On August 28, 2019, the second phase of the Blueprint (Cohort 2) was presented
12 to the Board for a first reading and discussion. Cohort 2 proposed one school expansion
13 and two school mergers. One of the proposed mergers would combine Kaiser
14 Elementary School and Sankofa Academy and locate the combined school at the Sankofa
15 campus. The other merger would combine Oakland SOL (School of Language) and Frick
16 Impact Academy and would locate the combined school at the Frick campus. Some
17 members of each of the four school communities impacted by the proposed mergers
18 attended the meeting and spoke in opposition. In fact, members of the Kaiser
19 community was given the opportunity to make its own presentation in opposition to the
20 merger outside of the normal opportunity for public comment. That item lasted almost
21 an hour.

22 On September 11, 2019 the School Board approved Cohort as recommended by
23 staff, after significant public input and board discussion. Again, some members of each
24 of the four school communities impacted by the merger attended the September 11, 2019
25 meeting and spoke in opposition. In fact, after the Board voted to approve Cohort 2, a
26 number of community members temporarily disrupted the meeting by yelling at the
27 Board. The Board stayed in their seats, allowed the community members to yell, and
28 then continued the meeting after the community members left.

1 At some point Kaiser parents, teachers and others formed a group, known as
2 Oakland Not for Sale, (“ONF”) to protest the merger. The plaintiffs are members of the
3 ONF. Those members of the Sankofa, Oakland SOL, and Frick school communities that
4 opposed Cohort 2 accepted that the decision had been made and did not create groups
5 to protest.

6 At the September 25, 2019 school board meeting,¹ the meeting after the decision
7 to merge Kaiser and Sankofa was made, members of the ONF disrupted the board
8 meeting and forced the meeting to be cancelled even though the issue of the Kaiser-
9 Sankofa merged was not on the meeting agenda. ONF protestors went up on to the
10 stage where board members and staff sit and occupied the board members’ seats.
11 Plaintiff Jayaraman was particularly aggressive, came up on the stage and got up into
12 the face of a staff member. The protesters refused to comply with OUSD PD officers
13 orders to get out of the seats and step down off the stage. Several ONF protestors
14 attempted to confront school board members when the board members retreated
15 upstairs to a secured conference room. OUSD PD officers intervened and ordered the
16 protestors to go back down the stairs or they would be arrested. In addition, when
17 officers escorted board members and the superintendent to their cars following the
18 meeting, protestors banged on the board members’ cars, in an attempt to intimidate and
19 keep board members from leaving. The protestors were also overheard to state that they
20 intended to stage further protests at the next meeting, bring sleeping bags and refuse to
21 leave until their demands were met. The OUSD PD officers did not arrest the protestors
22 although a number of protestors stated their intent to be arrested.

23 At the October 10, 2019 school board meeting the ONF protests escalated. OUSD
24 PD deployed 9 sworn officers and 17 security officers and formed a skirmish line in front
25 of the stage to protect board members, the superintendent, and staff. Once again, ONF
26 protestors disrupted the meeting, and forced board members and staff to relocate to a
27

28 ¹ OUSD School Board meetings are held at the Escuelita School facility in the Great Room, a large room that is a gymnasium and has a stage for events.

1 room upstairs. The meeting was then broadcasted from a room upstairs. The ONF
2 protestors occupied the stage, disconnected the podium microphone and made so much
3 noise that it was not possible for members of the public to participate in the meeting.

4 Prior to the board members, the superintendent and staff leaving the stage, ONF
5 protestors walked up to the skirmish line and positioned children in chairs directly in
6 front of the police officers and security officers. The protestors were verbally hostile to
7 the police officers and security officers who remained downstairs in the Great Room.
8 Officers had to secure the entire upstairs area because protestors attempted to enter the
9 upstairs area through an exterior double door. ONF protestors also went outside the
10 building and attempted to disrupt the meeting by yelling up to the windows of the room
11 where the board had retreated. Inside the Great Room protestors used their own public
12 address system they had brought into the building to conduct their own meeting. The
13 protestors made it clear that they intended to disrupt all future board meetings until the
14 end of the year, would bring media to cover the next board meeting and hoped to be
15 arrested.

16 On October 21, 2019 the ONF protestors disrupted a joint meeting between
17 members of the Oakland City Council and members of the School Board and forced the
18 cancelation of the meeting.

19 • **The October 23, 2019 School Board Meeting:**

20 In reaction to the escalation of the ONF protests and in anticipation of the
21 October 23, 2019 board meeting, the OUSD PD developed a plan to protect the school
22 board members, superintendents, and staff. The department purchased 10 six feet long
23 interlocking barricades and covered the barricades with green cloth. The barricades
24 were set in front of the stage to separate the speaker podium and the public area of the
25 meeting from the stage. The speaker podium was placed on the Board side of the
26 barricades but the mic was positioned such that public speaks would continue to make
27 public comment. The intent was to make it more difficult for protests to unplug the mic
28 on the speaker podium or otherwise prevent public comment.

1 The Great Room contains a basketball court with a boundary marked by a large
2 black line approximately two and 1/2 feet wide. A section of this line runs parallel to the
3 stage and functions as an informal boundary separating the audience from the stage.
4 The barricades were set up in front of this boundary line.

5 The department deployed 10 OUSD PD officers and 19 security officers. Several
6 police officers and security officers were deployed in a skirmish line to act as a buffer
7 between the protestors and the board members and staff. Other officers stood off to the
8 side of the stage and would be deployed as needed.

9 Soon after the meeting began, one of the ONF members took the podium and
10 began to present ONF's demands as a large group of protestors swiftly walked up to the
11 barricade line. The crowd of about 150 individuals grew increasingly boisterous. The
12 speaker declared that ONF would continue to disrupt the meetings until the ONF's
13 demands were met. Immediately after the speaker ended her speech, several ONF
14 protestors began jumped over the barricades and attempted to storm the stage. As the
15 protestors began to breach the barrier, the school board members, superintendent and
16 staff, left the stage area to a position of safety in the upstairs conference room. During
17 the melee, ONF jumped over the barricades, pulled down the barricades on to the floor
18 and attempted to go up on the stage and in some cases went up on the stage. Police and
19 security officers used reasonable force to protect the staff, superintendent, and board
20 members, one of whom was almost nine months pregnant. Several individuals were
21 arrested, cited and released at the scene.

22 The first to jump over the barricades was plaintiff, Zachary Norris. Norris was
23 taken into custody without incident. Norris was charged with violation of Penal Code
24 sections 415.5 (A) (2), 404.6 (A), and 403, cited and released at the scene.

25 Plaintiff Saru Jarayaman also jumped over the barricades, tried to make her way
26 up to the stage and then briefly struggled with officers who took her into custody.
27 Jarayaman complained of pain in her knee, was examined at the scene by a paramedic,
28 taken to Kaiser and released. Defendants deny that they caused any injury to

1 Jayaraman. When Jayaraman was searched at the scene, officers found that she had a
2 set of steel handcuffs in her pocket. Jayaraman was charged with violation of Penal Code
3 sections 243 (B), 403, 405, 415.5 (A) (2) and 664.

4 Plaintiff Stephen Young attempted to jump over the barricades immediately after
5 Norris jumped the barricade line but was initially pushed back by one of the officers.
6 Young went over or around the barricade line and up to the stage. He refused to comply
7 with orders to get off the stage. Young was handcuffed and taken into custody without
8 further incident. When officers searched Young they found a pair of steel handcuffs in a
9 pants pocket. He was arrested for violation of Penal Code section 425.5 (A)(2); Penal
10 Code section 403, cited and released at the scene.

11 Plaintiff Martin Boyden also breached the barricade line and was taken into
12 custody without incident. Officers also found that Boyden had a pair of steel handcuffs
13 in his pocket. Boyden was charged with violation of Penal Code sections 415.5 (A)(2) and
14 403, cited and released at the scene.

15 Plaintiff Deirdre Snyder crossed over the downed barricades and attempted to get
16 up on to the stage. Defendants deny that Ms. Snyder was “dragged across” the barricade
17 line as she claims. Snyder was taken into custody without incident, charged with
18 violation of Penal Code sections 415.5 (A)(2) and 403, cited and released at the scene.

19 Plaintiff Amy Haruyama walked over the downed barricades in an attempt to get up on
20 the stage. Sergeant Perrier encountered Haruyama and forced her backwards by using a
21 horizontal baton thrust that struck Haruyama’s upper arm. She lost her balance and fell
22 backwards. A few minutes later, Harayuma walked around the barricade line and got up
23 on the stage. Harayuma was not arrested.

24 Plaintiff Michael Louden, attempted to cross over a downed barricade to get up
25 on the stage. Officers ordered him back. Louden’s foot got caught in between the rungs
26 of a downed barricade. Louden struggled with the officers who forced him back.
27 Officers extricated Louden from the barricade and took him into custody. Louden was
28 charged with violation of Penal Code sections 415.5 (A)(2) and 403, cited and released at

1 the scene. Defendants used reasonable force to take Louden into custody. Louden
 2 complained of leg pain but did not seek medical care at the scene.

3 Plaintiff Eric Pettengill attempted to interfere with officers as they were engaged
 4 with Louden. Pettengill grabbed the section of barricade that Louden's foot was caught
 5 in. Chief Godown quickly moved in and pushed Pettengill away from the barricade
 6 forcing him to drop the barricade. Pettengill remained on his feet. During the
 7 confrontation with Louden, Pettengill verbally confronted Chief Godown. Once Louden
 8 was extracted from the barricade, Chief Godown let go of the barricade while Pettengill
 9 still held on to an end of the barricade section. The barricade section then fell to the
 10 floor and Chief Godown turned to walk away. Defendants deny that Chief Godown
 11 dropped the barricade section on Pettengill's foot. Pettengill took the barricade section
 12 and walked away with it. Chief Godown retrieved the barricade and placed it back on the
 13 line while Pettengill engaged him verbally. Pettengill was not arrested.

14 The Alameda County District Attorney's office declined to prosecute the
 15 plaintiffs.

16 • **The November 13, 2019 School Board Meeting**

17 Plaintiffs claim that during the November 13, 2019 board meeting, the board cut
 18 the microphone at the public comment podium to prevent people from protesting the
 19 Board's plan to close schools. However, the Board did not cut the microphone feed.
 20 Once again protestors disrupted the meeting. When the board members retreated
 21 upstairs, it was not clear if the video and audio was getting downstairs to the Great
 22 Room. The TV crew went downstairs to investigate and it appeared that the feed had
 23 been disconnected by someone in the audience. The TV crew reconnected the feed.

24 The ONF protestors disrupted the meeting as soon as it began. They took over
 25 the public podium, speaking out of turn, chanting and yelling. "No school closures;
 26 Oakland is not for sale." The Board President attempted to regain control of the
 27 situation but soon the board and staff retreated upstairs and the ONF protestors went
 28

1 up to the stage. Board members and staff went upstairs to the conference room upstairs
2 where the meeting was streamed to the Great Room.

3 No arrests were made at the November 13, 2019 meeting.

4 **3. LEGAL ISSUES:**

5 **Plaintiffs' Statement:**

- 6 • Whether defendants used excessive force against plaintiffs;
- 7 • Whether defendants' actions were substantially motivated by plaintiffs' speech;
- 8 • Whether defendants Godown and Perrier failed to intervene and stop their
officers from using unlawful and excessive force;
- 9 • Whether defendants interfered by threats, coercion or intimidation with
plaintiffs' constitutional and/or statutory rights;
- 10 • Whether defendants arrested plaintiffs without a warrant or probable cause;
- 11 • Whether defendants battered plaintiffs;
- 12 • Whether defendants breached a duty to refrain from using excessive force
against plaintiffs.

13 **Defendants' Statement:**

- 14 • Whether the OUSD PD used objectively reasonable force to protect the school
board members and staff and as such there is no basis for the section 1983
excess force claims, state battery, negligence claims and Bane Act claims;
- 15 • Whether Chief Godown and Sergeant Perrier are entitled to qualified immunity;
- 16 • Whether there is a basis to proceed as against Chief Godown and Sergeant
Perrier on a theory that they failed to intervene with other officers;
- 17 • Whether plaintiffs failure to allege any facts to the effect that Chief Godown used
force except as to Pettengill is fatal to the other broadly pled use of force claims
made against Chief Godown;
- 18 • Whether plaintiffs failure to allege any facts to the effect that Sergeant Perrier
used force except as to Harayuma is fatal to the other broadly pled use of force
claims made against Sergeant Perrier;

- 1 • Whether plaintiffs' supervisor liability claims against Chief Godown and
- 2 Sergeant Perrier are not viable;
- 3 • Whether the plaintiffs were arrested with probable cause;
- 4 • Whether the plaintiffs First Amendment retaliation claims are viable.

5 **4. MOTIONS:**

6 Defendants filed a motion to dismiss plaintiffs' complaint on March 27, 2020.
7 (ECF No. 21.) Plaintiffs filed an amended complaint, and the Court vacated the motion
8 as moot. Defendants anticipate filing a motion to dismiss plaintiffs' First Amended
9 Complaint on grounds that the First Amended Complaint fails to allege facts sufficient
10 to sustain supervisor liability claims against Chief Godown and Sergeant Perrier In
11 addition, defendants will renew their Motion to Dismiss on grounds that the First
12 Amended Complaint because there are no allegations that Chief Godown or Sergeant
13 Perrier did anything to any of the other plaintiffs. In other words, none of the plaintiffs
14 (other than Pettengill) have pleaded facts sufficient to state a claim against Chief
15 Godown and none of the plaintiffs (other than Haruyama) have pleaded facts sufficient
16 to state a claim against Sergeant Perrier. Defendants anticipate filing a motion for
17 summary judgment. Plaintiffs will oppose defendants' motion. Further, during the
18 course of this action, the parties anticipate filing motions *in limine*, and reserve the
19 right to file discovery, dispositive, or other motions at their discretion, and to the extent
20 permitted under the operative Federal and Local Rules.

21 **5. AMENDMENT OF PLEADINGS:**

22 Plaintiffs anticipate amending the complaint to include the true names of the
23 DOE defendants. The parties agree to request the final date to amend pleadings be set
24 out three months from the date of the case management conference.

25 **6. EVIDENCE PRESERVATION:**

26 The parties agree to refrain from any document destruction and to cease any
27 document destruction program of any electronic or hard-copy materials. The parties do
28 not anticipate that this matter will require the extensive exchange of Electronically
Stored Information ("ESI"). However, the parties agree to work in good faith to collect

1 and exchange any necessary ESI. If issues with ESI arise, the parties will advise the
2 Court.

3 **7. DISCLOSURES:**

4 The parties exchanged initial disclosures on April 15, 2020. Defendants have
5 expressed concern that plaintiffs' Rule 26 Disclosures are deficient on grounds that the
6 plaintiffs failed to describe the nature of the disclosed witnesses' testimony. The parties
7 are currently meeting and conferring on this issue.

8 **8. DISCOVERY:**

9 Pursuant to Federal Rules of Civil Procedure, Rule 26(f), the parties conferred
10 and jointly propose to the Court the following discovery plan:

11 (A) Plaintiff expects to propound discovery on subjects including:

12 (1) The subject incident;
13 (2) Identities of OUSD police officers involved in the incident;
14 (3) Policies and procedures of OUSD police department;
15 (4) Personnel files of OUSD officers; and
16 (5) Other topics that may arise in the litigation.

17 (B) Defendants expect to propound discovery on subjects including:

18 (1) Relevant events leading up to the October 23, 2019 meeting;
19 (2) The October 23, 2019 meeting;
20 (3) The November 13, 2019 meeting
21 (4) Any video and audio footage on the incident in the care, custody or
control of the plaintiffs;

22 (5) Any records regarding plaintiffs claimed damages including medical
records and records pertaining to lost income;

23 (6) Information regarding plaintiffs' First Amended Retaliation Claims;
24 (7) Discovery to defend plaintiffs' Supervisor Liability claims if such
claims remain in the case following defendants' motion to dismiss.

25 (C) The parties anticipate the necessity of conducting the depositions of the
plaintiffs, Chief Godown, Sergeant Perrier, OUSD PD and security officers, other

1 witnesses including responding EMT's and paramedics, medical care providers, and
2 employees and agents of the Oakland Unified School District.

3 (D) The parties will disclose and produce, pending discovery, electronically-
4 stored information (ESI) including email messages, text messages and video and audio
5 recordings. The parties agree that ESI will be provided in a form that includes all data
6 and is reasonably accessible using common software programs.

7 (E) The parties do not anticipate any orders pursuant to Rule 16(b) and Rule
8 16(c).

9 (F) The parties request the following changes to the limitations on discovery
10 imposed by Rule 26 and local rules:

11 (1) A limit of 25 interrogatories served by defendants collectively upon
12 each plaintiff, and a limit of 25 interrogatories served by plaintiffs collectively upon each
13 individual and entity defendant; such that no single plaintiff or single defendant will be
14 required to respond to more than 25 interrogatories.

15 (2) The parties have conferred regarding an expansion on the number
16 of depositions limited by Fed. R. Civ. P. 30. The parties agree that each side will likely
17 require more than ten depositions per side. Because of the unique nature of the matter,
18 defendants request an order allowing them to take 32 depositions, contemplating eight
19 plaintiff depositions and the depositions of approximately three witnesses per plaintiff.
20 The Defendants appreciate that it is important to limit the number of depositions.
21 However, here 15 depositions proposed by the plaintiffs is not sufficient for the
22 defendants to conduct adequate discovery. Plaintiffs have identified a total of 63
23 witnesses in their Initial Rule 26 Disclosures. Of these 63 witnesses, only 14 are
24 affiliated with the District. As such, this leaves 49 non-expert lay witnesses to be
25 deposed just based on the Plaintiffs' Initial Rule 26 Disclosures. In addition, the
26 plaintiffs have not included the 3 paramedics and EMT's who responded to the scene or
27 any of the plaintiffs' medical care providers. Defendants also point out that with the
28 exception of the plaintiffs' deposition, it is anticipated that the witness depositions with

1 be relatively brief and as such will not impose a burden on the parties. Plaintiffs do not
2 believe that judicial economy is served by an agreement to 32 depositions per side and
3 propose a more modest limit of 15 depositions per side with an agreement to meet and
4 confer to request an extension to the limit should additional depositions be required.
5 Although the parties have diligently met and conferred about the issue of how many
6 depositions to take, they have not been able to agree to an approach.

7 (3) Defendants intend to subpoena plaintiffs' medical records relevant
8 to the incident from medical providers who treated plaintiffs for incident-related
9 injuries and conditions. Plaintiffs have expressed concerns that private, non-relevant
10 information may be contained in the records that are returned pursuant to the
11 subpoenas. The parties have met and conferred and come to a resolution that meets the
12 needs of both parties. Defendants' counsel will subpoena plaintiffs' healthcare records
13 relevant to the incident from medical providers who treated plaintiffs for incident-
14 related injuries and conditions and plaintiffs' counsel will request copies of all records
15 produced. Once returned, counsel for defendants will not disclose the records to anyone,
16 including the defendants, until counsel for the plaintiffs has reviewed the records.
17 Counsel for the defendants is permitted to share the medical records with the OUSD
18 General Counsel prior to plaintiffs objecting to the medical records. Counsel for
19 plaintiffs will have 14 days from their receipt of the records to review the records and
20 make objections to the relevance of any records. Once an objection is made, the parties
21 will meet and confer to determine whether they can agree that the records are not
22 relevant and should not be in the possession of defendants' counsel, or whether there is
23 a dispute that needs to be resolved by the Court. If the parties agree that the records or
24 some portions of the records are not relevant, defendants' counsel will return to
25 plaintiffs' counsel or otherwise destroy any copy of the objected to record. All healthcare
26 records received in response to a subpoena will be treated as confidential pursuant to
27 the stipulated protective order, (ECF No. 23). As plaintiffs have not alleged anything
28 beyond garden variety emotional distress, they have not put their mental health care

records at issue and defendants will not subpoena records associated with plaintiffs' mental health care. This agreement does not otherwise limit plaintiffs' ability to object to defendants' subpoenas for healthcare records based on the grounds permitted by law.

(G) The parties do not request any other orders.

9. CLASS ACTIONS:

This is not a proposed class action.

10. RELATED CASES:

This case is not related to any other case.

11. RELIEF:

Plaintiffs seek monetary and injunctive relief and attorney's fees.

12. SETTLEMENT AND ADR:

The parties have met and conferred and agree that a settlement conference with a magistrate judge would be most suitable for this matter. The parties respectfully request that the Court refer the case to Magistrate Judge Laurel Beeler, Magistrate Judge Jacqueline Scott Corley, or Magistrate Judge Sallie Kim.

13. CONSENT TO A MAGISTRATE JUDGE

Defendants do not consent to a magistrate judge.

14. OTHER REFERENCES:

The parties do not believe the case is suitable for reference to binding arbitration, special master, or the Judicial Panel on Multi-District Litigation.

15. NARROWING OF ISSUES:

The parties do not believe that the issues can be narrowed at this time.

16. EXPEDITED TRIAL PROCEDURE:

The parties do not believe this case can be handled on an expedited basis.

17. SCHEDULING:

In view of the challenges to conducting discovery posed by the Covid 19 pandemic, the parties propose the following schedule:

Fact Discovery Cut-off: March 31, 2021

Designation of Expert Witnesses: June 30, 2021

Expert Discovery Cut-off: July 30, 2021

1 Last Day to File Dispositive Motions: April 30, 2021
2 Pretrial Conference: September 27, 2021, 1:30 p.m.
3 Trial: October 11, 2021

4 **18. TRIAL**

5 Plaintiffs request a jury trial. The parties believe a jury trial will last 7 to 10 days.

6 **19. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR
PERSONS**

7 Plaintiffs have filed a Certificate of Interested Parties pursuant to Civil Local
8 Rule 3-15 attesting that they know of no interested parties in this matter. Defendants...

9 **20. PROFESSIONAL CONDUCT**

10 Counsel for the parties have reviewed the Guidelines for Professional Conduct
11 for the Northern District of California.

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21. SUCH OTHER MATTERS AS MAY FACILITATE JUST, SPEEDY, AND INEXPENSIVE RESOLUTION

None at this time.

Dated: April 22, 2020

SIEGEL, YEE, BRUNNER & MEHTA

By /s/EmilyRose Johns
EmilyRose Johns

Attorneys for Plaintiffs
SARU JAYARAMAN, STEPHEN YOUNG,
MARTIN BOYDEN, ZACH NORRIS,
DEIRDRE SNYDER, MIKE LOUDEN,
AMY HARUYAMA, and ERIC PETTENGILL

Dated: April 22, 2020

LEONE & ALBERTS

By /s/*Claudia Leed*
Claudia Leed

Attorneys for Defendants
OAKLAND UNIFIED SCHOOL DISTRICT,
JEFF GODOWN, and DONALD PERRIER